



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RRS/B329INT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/05008	International filing date (day/month/year) 18.11.2003	Priority date (day/month/year) 22.11.2002	
International Patent Classification (IPC) or both national classification and IPC E06C7/46			
Applicant LADDERM8 LTD et al			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 21.06.2004		Date of completion of this report 06.12.2004	
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Demeester, J Telephone No. +31 70 340-1052 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/05008

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-4 as originally filed

Claims, Numbers

15, 16 as originally filed

1-14 received on 15.11.2004 with letter of 15.11.2004

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☒ the claims, Nos.: 15, 16
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-14
	No: Claims	1, 2
Inventive step (IS)	Yes: Claims	
	No: Claims	1-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

- D1: GB-A-2 286 621 (MCCOLGAN PETER ANTHONY GERARD ;SWAIN MAXWELL (GB)) 23 August 1995 (1995-08-23)
- D2: EP-A-0 745 753 (LEWIS STANLEY TREVOR ;SANDHAM JOHN MICHAEL (GB)) 4 December 1996 (1996-12-04)
- D5: US-A-5 078 231 (DAVIS ALLEN N) 7 January 1992 (1992-01-07)

2.1. Claim 1 - Amendments beyond the original disclosure

The new claim 1 (cf. line 5) comprises the feature that the ladder engaging part comprises **"a plurality of upstanding projections"**. This expression also comprises a ladder engaging part having only two upstanding projections.

The original application only discloses a ladder engaging part having **"at least twenty upstanding projections"** (cf. original set of claims, claim 2).

Therefore, present claim 1 introduces subject-matter which extends beyond the content of the application as filed, contrary to Article 19(2)/Article 34(2)(b) PCT.

Remark: A claim 1, comprising the expression **"at least twenty upstanding projections"** instead of the expression **"a plurality of upstanding projections"**, would meet the requirements of Article 19(2)/Article 34(2)(b) PCT.

The following part of the reasoned statement is based on such a modified claim 1.

2.2. Claim 1 - Novelty objection (D2)

The examiner does not agree with the applicant's interpretation of the disclosure of D2.

D2 discloses (the references in parentheses applying to this document):

a ladder support apparatus, comprising a base member (1). The base member has on each side a rubber non-slip grip: i.e. a stair grip (17) on the bottom side and a ladder grip (7) on the top side (cf. D2, fig. 4-6 and column 7, paragraph 1). For the skilled man, it's clear from the drawings that said non-slip rubber grips (7 and 17) have a profiled pattern comprising a plurality of at least twenty parallel ridges, i.e. upstanding projections.

The base member (1) further comprises an abutment member (2) (cf. D2, fig. 6)

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including a transversely extending, upstanding wall.

The subject-matter of claim 1 is therefore not new (Art. 33(2) PCT).

2.3. Dependent claims

Dependent claims 2-14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, for the following reasons:

- claim 2: disclosed in D2 (cf. paragraph 2.2.)
- claim 3: obvious form for parallel ridges of a non-slip grip
- claims 4 and 5: In order to provide a more rigid variant, the skilled person would consider replacing the rubber profiled non-slip grip by a profiled plate of steel.
- claim 6: obvious form, cf. D1 (fig. 1)
- claims 7 and 8: obvious additional feature (cf. D5, fig. 1, aperture 19)
- claims 9-11: Anti-slip rubber grips (as used in D2) having an anti-slip pattern with such a large number of projections are known. The skilled person would consider providing such a anti-slip grip on the ladder support apparatus of D2
- claim 12: not clear: relative feature (cf. Guidelines, 5.34)
- claims 13 and 14: obvious material choice

3. The specific form of the projections of the ladder engaging part could form the basis for a claim meeting the PCT-requirements. An independent claim comprising:

- all the features of **ORIGINAL claims 1, 2 and 4**, and
- the clarification **"... wherein said upstanding projections of the ladder engaging part are provided by upstanding spikes (20) formed by pressing holes in the pressed plate."**

would meet all the requirements of the PCT.

(J. Demeester)